

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

LISA M. COLLIER

PLAINTIFF

Vs.

CAUSE NO.: 3:15-CV-022-MPM-SAA

**TUNICA COUNTY, MISSISSIPPI; TUNICA SHERIFF
DEPUTY CLIFTON TAYLOR; TUNICA SHERIFF
DEPUTY WALTER FRENCH; TUNICA SHERIFF
DEPUTY DANIEL HARGROW; TUNICA SHERIFF
DEPUTY COLUMBUS JONES; and Defendants
A, B, C, D, E, and F in their individual
capacities, all of which whose names are presently
unknown but will be substituted by amendment
when ascertained.**

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

The Plaintiff states her causes of action for damages for violation of rights, privileges and immunities under the Fourth and Fourteenth Amendments of the United States Constitution pursuant to 42 U.S.C. §1983 and under state law, as follows:

**I.
JURISDICTION**

1. Jurisdiction of this court is proper pursuant to 28 U.S.C. §§1331 and 1343. Venue in this court is appropriate under 28 U.S.C. §1391 as the events or omissions giving rise to Plaintiff's claims occurred within this judicial district.

II. PARTIES

2. Lisa M. Collier (hereinafter “Plaintiff”) is an adult resident citizen of Tunica County, Mississippi.

3. Defendant Tunica County, MS (hereinafter “Tunica”) is a political subdivision of the State of Mississippi and at all times relevant operated under color of state law. Defendant Tunica is responsible for the Tunica County Sheriff’s Department and for the actions of its deputies acting under color of state law and pursuant to its recognized customs, policies, procedures and practices. Defendant Tunica may be served with process through James Dunn, the President of the Board of Supervisors for the County, whose mailing address is P. O. Box 217, Tunica, Mississippi 38676. Their physical address is 1058 South Court Street, Tunica, Mississippi 38676.

4. Defendant Clifton Taylor (hereinafter “Taylor”) is a Tunica County Sheriff’s Deputy and is being sued in his individual capacity. He may be served with process in his individual capacity at his place of business.

5. Defendant Walter French (hereinafter “French”) is a Tunica County Sheriff’s Deputy and is being sued in his individual capacity. He may be served with process in his individual capacity at his place of business.

6. Defendant Daniel Hargrow (hereinafter “Hargrow”) is a Tunica County Sheriff’s Deputy and is being sued in his individual capacity. He may be served with process in his individual capacity at his place of business.

7. Defendant Columbus Jones (hereinafter “Jones”) is a Tunica County Sheriff’s Deputy and is being sued in his individual capacity. He may be served with process in his individual capacity at his place of business.

8. Defendants A, B, C, D, E, and F in their individual capacities, all of which whose names are presently unknown but will be substituted by amendment when ascertained.

Defendants A, B, C, D, E, and F are unnamed Tunica County Sheriff’s deputies who were present at the time of the incident made the basis of this lawsuit, all of which acted in concert with Taylor, French, Hargrow, and Jones in actions that violated Plaintiff’s constitutional and civil rights.

III.

FACTS

9. At approximately 10:00 a.m. on Friday, June 20, 2014, Plaintiff was in bed at her home when she heard what sounded like loud banging on her front door and male voices yelling outside.

10. Plaintiff immediately got out of bed to investigate the origin of the noises. As she made her way to her closet to get dressed, Defendants made entry into her home, rushed into her bedroom with guns drawn, ordered her to the floor at gunpoint, and commenced to search the inside of her residence—room by room.

11. Due to the force used against her, Plaintiff was unable to get dressed before officers ordered her to the floor. At the time, Plaintiff was wearing only undergarments and a transparent night gown. Despite repeated request for information as to why the officers were in her home, what law had she broken, whether she could contact her husband, and whether she

could get off the floor to get dressed, all of her questions were met with continued demands that she stay face down on the floor while Defendants continued to hold her at gun point and search her home. Throughout this entire ordeal, Plaintiff fully complied with the deputies' commands and did not offer any physical or verbal resistance.

12. Plaintiff was held at gunpoint on the floor of her bedroom for approximately 10-15 minutes while deputies searched her residence. After the defendants found nothing of importance in their search, they holstered their weapons and ordered Plaintiff to stand to her feet. The defendants then walked outside to interrogate Plaintiff's daughter regarding the whereabouts of a certain person of interest. At no time did Defendants provide Plaintiff with any explanation or apology for their actions, and she was never charged with any crime.

13. Plaintiff later learned that the Tunica deputies had come to her home to apprehend a suspect that was believed to have been seen visiting Plaintiff's residence. Deputies entered Plaintiff's home without a search/arrest warrant and without any justifiable cause. Upon further information and belief, no warrant existed for the individual that deputies unlawfully entered Plaintiff's home to find.

14. Upon information and belief, Defendants Taylor, French, Hargrow, and Jones and Fictitious Defendants A through F were acting in the absence of adequate supervision and/or training as it relates to the proper manner in which to conduct a police investigation, circumstances for making a warrantless entry into a private residence, and the appropriate use of force that can be utilized against law abiding citizens of Tunica, Mississippi during the course of an investigation. Defendant Tunica, by failing to provide Defendants Taylor, French, Hargrow, and Jones and Fictitious Defendants A through F with adequate supervision and/or training and

by failing to enact consistent and unambiguous policies, exhibited deliberate indifference to the known and/or obvious needs for better supervision, training, or enactment of adequate policies and the consequences which result from their absence.

15. The policies regarding the manner in which to conduct a proper police investigation, circumstances for making a warrantless entry into a private residence, and the policies regarding the appropriate use of force that can be utilized against law abiding citizens of Tunica, Mississippi as part of that investigation as written were vague, which resulted in said policies being arbitrarily enforced by Defendant Tunica and its agents/employees/deputies. These vague and ambiguous policies were the moving force behind the alleged abuse of Plaintiff and violation of her civil and constitutional rights.

16. At all times relevant to this lawsuit, Defendant Tunica had policies, practices, and/or customs in place that encouraged and/or enabled its police officers to act with deliberate indifference to the constitutional rights of individuals. The said policies, practices, and/or customs tolerated and/or encouraged gross misconduct of its officers by failing to adequately screen for hiring, supervise, discipline, or train its police officers/jail personnel.

IV.

DAMAGES

17. As a direct and proximate result of the actions and omissions of Defendants Tunica, Taylor, French, Hargrow, and Jones and Defendants A through F, Plaintiffs have suffered damages including, but not limited to, physical injuries, pain and suffering, mental anguish and anxiety, humiliation and fear.

**V.
FEDERAL CLAIMS**

**COUNT ONE:
FOURTH AMENDMENT CLAIM FOR
UNLAWFUL SEARCH AND SEIZURE, INFLECTION OF
UNNECESSARY AND EXCESSIVE FORCE AND
FALSE ARREST**

18. Plaintiff incorporates herein each and every preceding paragraph as if fully set forth herein and further alleges as follows:

19. Pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution, Defendants Taylor, French, Hargrow, and Jones and Fictitious Defendants A through F, under color of state law with callous disregard and sadistic intention, violated Plaintiff's well-established right to be free from use of unnecessary and excessive force by illegally entering her home, forcing Plaintiff at gunpoint to the floor of her bedroom, and holding her against her will by threat of deadly force when Plaintiff posed no physical threat and was not in violation of any law.

20. Pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution, Defendants Tunica, Taylor, French, Hargrow, and Jones and Fictitious Defendants A through F are liable for the unlawful arrest of Plaintiff.

**COUNT TWO:
FOURTEENTH AMENDMENT CLAIM FOR
VIOLATION OF SUBSTANTIVE DUE PROCESS**

21. Plaintiff incorporates herein each and every preceding paragraph as if fully set forth herein and further alleges as follows:

22. Pursuant to 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution, Defendants Tunica, Taylor, French, Hargrow, and Jones and Fictitious Defendants A through F violated Plaintiff's right to substantive due process through their arbitrary actions and omissions.

REQUEST FOR RELIEF

Plaintiff requests the following relief:

That process be issued in accordance with law to the Defendants and that Plaintiff be granted a jury trial and judgment from and against the defendants as follows:

- i. Reasonable compensatory damages from and against each defendant, individually, jointly, severally and/or vicariously, as appropriate;
- ii. Punitive damages on plaintiff's claim from Defendants in their individual capacities in an amount reasonably calculated to punish each Defendant and to deter similar conduct by other law enforcement personnel/ agencies and others similarly situated.
- iii. Plaintiff's costs of court, including reasonable attorney fees and expenses pursuant to 42 U.S.C. §1988 and state law;

iv. General Relief.

RESPECTFULLY SUBMITTED, this the 30th day of January, 2015.

BY: s/ Philip A. Stroud
PHILIP A. STROUD (MSB# 99401)
BRANDON FLECHAS (MSB#102283)
Attorneys for Plaintiff

OF COUNSEL:

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5779 Getwell Road, Building C-1
Southaven, MS 38672
(662) 536-5656**

**PLAINTIFF RESPECTFULLY REQUESTS A TRIAL BY JURY AS TO ALL COUNTS
HEREIN.**

BY: s/ Philip A. Stroud
PHILIP A. STROUD